

Defendant is directed to submit a proposed order. The Clerk of the Court is directed to mail a copy of this endorsement to *pro se* Plaintiff and show service on the docket.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/31/2021

Dated: 3/31/2021
White Plains, NY

SO ORDERED:

NELSON S. ROMÁN
United States District Judge



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8118

March 30, 2021

Via ECF

Hon. Nelson S. Román
The Hon. Charles L. Bricant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: Baptiste v. Griffin, 18 CV 7274 (NSR)

Dear Judge Román:

This Office represents defendant C.O. Nagy ("Defendant") in the above action. Pursuant to the Scheduling order adopted by the Court, C.O. Nagy's motion for summary judgment is to be served on April 12, 2021, and filed on June 15, 2021. (Dkt. No. 50). In anticipation of filing the motion, we write pursuant to Section IV(A) of Your Honor's Individual Rules, and the Southern District of New York's Sealed Records Filing Instructions, to respectfully request leave to file, under seal, the photographs to be attached as exhibits to the Declaration of Michael Nagy in support of Defendant's Motion for Summary Judgment. These photographs depict the West Mess Hall at the correctional facility and were taken on August 3, 2015, after the incident. The basis for this request is that publication of these photographs presents serious safety and security concerns that could jeopardize the correctional facility. This letter motion is being filed under public view, and the proposed sealed photographs are separately filed electronically under seal as related to this motion.

We also respectfully request, due to the safety and security concerns involved, that Plaintiff only be permitted to view, but not keep, the photographs in conjunction with Defendant Nagy's declaration. The parties previously utilized such a procedure during the discovery process to review such security sensitive materials. Plaintiff was permitted to view approximately 15 photographs, from the date of the incident, at the correctional facility in which he is housed. Should the Court grant the request, after serving the motion papers, arrangements will be made for Mr. Baptiste to review the photographs at his correctional facility.

MEMO ENDORSED

Hon. Nelson S. Román
March 30, 2021

We thank Your Honor for your attention to this matter.

Respectfully Submitted,
/s/
Julinda Dawkins
Assistant Attorney General

Cc: Malcolm Baptiste
DIN 96-A-4708
(Via Frist Class Mail)